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Date of Signature and Deposit: January 2, 2004

Sara E. Vinarov, Reg. No. 48,524

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Therese Ouellet, et al.

Date: January 2, 2004

Serial No.: 09/747,007

Group Art Unit: 1636

Filed: 12/21/2000

Examiner: David A. Lambertson

Title: TRANSLATIONAL REGULATORY ELEMENTS File No.: 411044.90030

PETITION UNDER 37 C.F.R. 1.78 (a)(6) TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM OF PRIORITY FOR THE BENEFIT OF  
A PRIOR-FILED PROVISIONAL APPLICATION

Mail Stop Petitions  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On December 21, 2000, applicants filed the above-identified application and unintentionally omitted the cross-reference information claiming the benefit of the prior-filed U.S. Provisional Serial Application No. 60/172,813 filed December 21, 1999. Applicants, respectfully Petition herein for the Office to accept this unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application. As such, accompanied herewith this Petition are the requisite papers:

- (1) The reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5) to the prior-filed provisional application in an Amendment After Notice of Allowance pursuant to 37 CFR 1.312;
- (2) The surcharge set forth in 37 CFR 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

## REMARKS

Applicants respectfully submit that the delay in claiming priority in the patent specification to the prior-filed U.S. Provisional Serial Application No. 60/172,813 filed December 21, 1999 was unintentional and was only recently brought to the Applicants' attention.

Applicants further submit that in the Declaration For Utility or Design Patent Application filed with this application a claim was formally made under 35 U.S.C. §119(e) for benefit of the December 21, 1999 filing date of provisional patent application Serial No. 60/172,813. Accordingly, please accept this Petition and the aforementioned related papers submitted herewith which are intended to make this same priority claim in the patent specification.

Please charge the fee due, believed to be \$1,330.00 to Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



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Sara D. Vinarov  
Reg. No.: 48,524  
Attorney for Applicants  
QUARLES & BRADY LLP  
P.O. Box 2113  
Madison, WI 53701

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,330.00

## Complete if Known

Application Number	09/747,007
Filing Date	12/21/2000
First Named Inventor	Therese Ouellet
Examiner Name	David A. Lambertson
Art Unit	1636
Attorney Docket No.	411044.90030

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

17-0055

Quarles & Brady LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20* =	X	= 0.00
Multiple Dependent	-3** =	X	= 0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify) 1454 Petition

1330

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,330.00

## SUBMITTED BY

(Complete (if applicable))

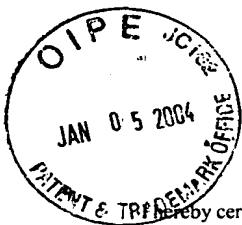
Name (Print/Type)	Sara D. Vinarov	Registration No. (Attorney/Agent)	48,524	Telephone	608/251-5000
Signature		Date	1-2-04		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QBMA\369181

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Sara D. Vinarov, Reg. No. 48,524

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Therese Ouellet, et al.

Date: January 2, 2004

Serial No.: 09/747,007

Group Art Unit: 1636

Filed: 12/21/2000

Examiner: David A. Lambertson

Title: TRANSLATIONAL REGULATORY ELEMENTS      File No.: 411044.90030

STATEMENT UNDER 37 C.F.R. 1.78 (a)(6)(iii)

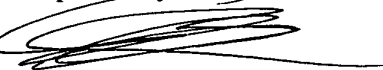
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully submit herein that the entire delay between the date for claiming priority in the patent specification to the December 21, 1999 filing date of provisional patent application Serial No. 60/172,813 was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

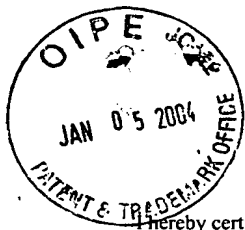
Applicants further state that the Declaration for Utility or Design Patent Application filed with this application formally claimed under 35 U.S.C. §119(e) the benefit of the December 21, 1999 filing date of provisional patent application Serial No. 60/172,813. Accordingly, Applicants submit that the failure to claim priority in the patent specification as indicated above was wholly unintentional.

Respectfully submitted,



Sara D. Vinarov  
Reg. No.: 48,524  
Attorney for Applicants  
QUARLES & BRADY LLP  
P.O. Box 2113  
Madison, WI 53701

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Examiner: David A. Lambertson

Title: TRANSLATIONAL REGULATORY ELEMENTS File No.: 411044.90030

AMENDMENT AFTER NOTICE OF ALLOWANCE (37 CFR 1.312)

Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance and Issue Fee Due dated December 18, 2003, please amend the above application as follows.

Amendment to the Specification

Please amend the above-identified application as follows:

Page 1, please add the following heading and paragraph after the title:

--CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of U.S. Provisional Serial Application No. 60/172,813 filed December 21, 1999.--

## REMARKS

In the Declaration For Utility or Design Patent Application filed with this application a claim was formally made under 35 U.S.C. §119(e) for benefit of the December 21, 1999 filing date of provisional patent application Serial No. 60/172,813. The above amendment is intended to make this same claim in the patent specification.

The Notice of Allowance does not acknowledge this claim for domestic priority and Applicants respectfully request that this claim be acknowledged.

Entry of this amendment is respectfully requested. It requires only a cursory review by the Examiner and it places the application in better condition for issuance.

The Commissioner is authorized to charge any fees under 37 CFR § 1.17 that may be due on this application to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 CFR § 136(a)(3).

Respectfully submitted,



Sara D. Vinarov

Reg. No.: 48,524

Attorney for Applicants

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